

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 63

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2115, IDAHO CODE, TO PROVIDE THAT CERTAIN VIOLATIONS CONSTITUTING A BREACH OF THE NORTH AMERICAN VETERINARY LICENSING EXAMINATION SHALL CONSTITUTE GROUNDS FOR SPECIFIED DISCIPLINE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2115, Idaho Code, be, and the same is hereby amended to read as follows:

54-2115. GROUNDS FOR DISCIPLINE. The board may refuse to issue, renew or reinstate the license of a veterinarian, or may deny, revoke, suspend, sanction, reprimand, restrict, limit, place on probation or require voluntary surrender of, the license of a veterinarian, and may fine and impose other forms of discipline and enter into consent agreements and negotiated settlements with any licensed veterinarian pursuant to the procedures set forth in chapter 52, title 67, Idaho Code, for any or all of the following reasons:

(1) The employment of fraud, misrepresentation of a material fact or deception by an applicant or licensee in:

(a) Securing or attempting to secure the issuance or renewal of a license; or

(b) Statements regarding the veterinarian's skills or efficacy or value of any treatment provided or to be provided or using any false, fraudulent, misleading or deceptive statement connected with the practice of veterinary medicine including, but not limited to, false or misleading advertising.

(c) Participating in a breach of the north American veterinary licensing examination (NAVLE). The following activity is a violation and constitutes grounds for discipline under this subsection:

(i) Written notification from the national board examination committee (NBEC), or its designee, that the NBEC has nullified the NAVLE score of the applicant or licensee because the applicant or licensee has admitted cheating or committing other improprieties in the taking, administering or processing of the NAVLE; or

(ii) Written notification from the NBEC, or its designee, that the NBEC has obtained a court judgment against the applicant or licensee after proving allegations that the applicant or licensee cheated or committed other improprieties in the taking, administering or processing of the NAVLE.

(2) Unethical or unprofessional conduct, as defined by section 54-2103, Idaho Code, the rules of the board, and the code of professional conduct established by the rules of the board.

1 (3) Being found guilty, convicted, placed on probation, having entered
2 a guilty plea that is accepted by the court, forfeiture of bail, bond or col-
3 lateral deposited to secure a defendant's appearance, or having received a
4 withheld judgment or suspended sentence by a court of competent jurisdiction
5 in this state or any other state of one (1) or more of the following:

6 (a) Any felony as defined in chapter 1, title 18, Idaho Code;

7 (b) Any other criminal act which in any way is related to the practice of
8 veterinary medicine as defined by section 54-2103, Idaho Code; or

9 (c) Any violation of any federal or state statute, rule or regulation
10 regulating narcotics, dangerous drugs or controlled substances.

11 (4) Medical incompetence in the practice of veterinary medicine, as de-
12 fined by section 54-2103, Idaho Code.

13 (5) Physical or mental incompetence, in the practice of veterinary
14 medicine, as defined in section 54-2103, Idaho Code.

15 (6) Malpractice or negligence, in the practice of veterinary medicine,
16 as defined in section 54-2103, Idaho Code.

17 (7) Aiding or abetting an unlicensed or uncertified person to practice
18 veterinary medicine or veterinary technology or employing or holding such
19 unlicensed person out as being able to practice veterinary medicine or vet-
20 erinary technology.

21 (8) Fraud, dishonesty, failure to report, or gross negligence in the
22 inspection of animals and animal products intended for human consumption,
23 issuance of health or inspection certificates, in the application, vaccina-
24 tion, treatment or reporting of any test for disease in animals, and in re-
25 porting any contagious or infectious disease.

26 (9) Failure to comply with the veterinary standards of practice, as es-
27 tablished by board rule.

28 (10) Failure to comply with the recordkeeping requirements, as estab-
29 lished by the rules of the board.

30 (11) Cruelty to animals including, but not limited to, the intentional
31 and malicious infliction of pain, physical suffering, injury or death, per-
32 formance of experimental treatments without the owner's consent, depriva-
33 tion of necessary sustenance, withholding of appropriate pain medications
34 or levels of pain medications, or the administration of unnecessary proce-
35 dures and treatment.

36 (12) Infliction of pain on any animal in self-defense, or to prevent
37 physical harm to others, or in accordance with local custom and culture in
38 moving, handling, treating, dehorning, castrating or performing other pro-
39 cedures on livestock, shall not be considered cruel or physically abusive
40 unless done in an unnecessary or intentionally malicious manner. This pro-
41 vision does not alter section 25-3514, Idaho Code.

42 (13) Revocation, suspension, disciplinary sanction, other adverse ac-
43 tion, or failure to report any such adverse action to the board, including
44 voluntary surrender of a license or certificate by virtue of which one is li-
45 censed to practice veterinary medicine in that jurisdiction or country on
46 grounds other than nonpayment of renewal fees.

47 (14) Falsifying or failing to fulfill the continuing education require-
48 ments, as established by the rules of the board.

49 (15) The use, prescription or sale of any controlled substance, veteri-
50 nary legend/prescription drug or prescription of an extra-label use for any

1 human or veterinary drug without a valid veterinarian/client/patient rela-
2 tionship.

3 (16) Charging for services which were not rendered, charging for ser-
4 vices that were not documented in the patient's records, or charging for ser-
5 vices that were not consented to by the owner of the patient or the owner's
6 agent.

7 (17) Failure to timely furnish details of a patient's medical record to
8 another veterinarian, hospital, clinic, owner or owner's agent.

9 (18) Failure of any applicant or licensee to cooperate with the board
10 during any investigation, even if such investigation does not personally
11 concern the applicant or licensee.

12 (19) Failure to comply with the terms of any order, negotiated settle-
13 ment or probationary agreement of the board or to pay the costs assessed in a
14 disciplinary matter pursuant to section 54-2105, Idaho Code.

15 (20) Failure to comply with the terms for renewal or to timely pay li-
16 cense, certification or registration renewal fees, as specified by section
17 54-2112, Idaho Code, and the rules of the board.

18 (21) Failure of a licensed veterinarian to exercise proper supervision,
19 as defined by the rules of the board, when supervising a temporary licensee
20 or holder of a temporary certification, a certified veterinary technician, a
21 veterinary technician, a veterinary assistant, a certified euthanasia tech-
22 nician or other person, except in an emergency situation as defined in sec-
23 tion 54-2103, Idaho Code.

24 (22) Delegation of an act pertaining to the practice of veterinary
25 medicine or veterinary technology to an unqualified person, regardless of
26 the supervision provided.

27 (23) Aiding or abetting or violating any of the provisions of this chap-
28 ter or any lawful rule or order of the board.